

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CLEVELAND HAWKINS,
Plaintiff,

-v.-

9:06-CV-1518
(NAM)(GHL)

ANDREW SHAPIRO, M.D., Eastern Correctional Facility,
Defendant.

APPEARANCES: OF COUNSEL:

CLEVELAND HAWKINS
Plaintiff, *pro se*
04-A-3621

HON. ANDREW M. CUOMO
Office of Attorney General
State of New York
Department of Law
The Capitol
Albany, New York 12224

STEPHEN M. KERWIN, ESQ.

GEORGE H. LOWE, U.S. MAGISTRATE JUDGE

ORDER

Presently before the Court is a Motion to Compel Discovery filed by Cleveland Hawkins (“Hawkins” or “Plaintiff”) pursuant to Fed.R.Civ.Proc. 37. Dkt. No. 19.

Plaintiff’s Motion to Compel was filed on July 10, 2007. In his Motion, Hawkins seeks an Order from this Court directing the Defendant to respond to Plaintiff’s First Set of Interrogatories. *Id.*

On July 19, 2007, Defendant’s counsel filed a response to the Motion stating that the

Defendant served his response to the discovery requests on July 10, 2007.¹ Dkt. No. 20.

Since July 10, 2007, the Plaintiff has not indicated to the Court that he believes such responses fail to fully respond to his First Set of Interrogatories, or that the objections raised by the Defendant were improper. Therefore, Plaintiff's Motion to Compel responses to Plaintiff's First Set of Interrogatories must be denied as moot. *See, e.g., Johnson v. Schmidt*, 1992 U.S. Dist. LEXIS 8342, *1 (E.D.N.Y. 1992) (denying Motion to Compel filed by inmate where Defendants had already responded to Interrogatories and Requests for Production).


WHEREFORE, based upon the above, it is hereby

ORDERED, that Plaintiff's Motion to Compel (Dkt. No. 19) is denied as moot, and it is further

ORDERED, that the Clerk serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: November 7, 2007
Syracuse, New York


George H. Lowe
United States Magistrate Judge

¹ Defendant's counsel states that he had a telephone conversation with Plaintiff on or about June 25, 2007. During that conversation, Plaintiff agreed to allow Defendant's counsel an additional thirty (30) days to respond to the Interrogatories. However, apparently dissatisfied with Defendant's response to a settlement demand made during that same conversation, Plaintiff proceeded with this Motion prior to the expiration of the thirty days. A letter dated June 25, 2007 appears to corroborate counsel's statements. Dkt. No. 20, Exhibit C.